

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
IN HUNTINGTON

IN RE:

Case No. 16-30227
Joint Administration

DENNIS RAY JOHNSON, II,
APPALACHIAN MINING AND
RECLAMATION, L.L.C., DJWV1, LLC,
DJWV2, LLC, ELKVIEW
RECLAMATION & PROCESSING LLC,
GREEN COAL, LLC, JOINT VENTURE
DEVELOPMENT, LLC, THE LITTLE
KENTUCKY ELK, LLC, MOUSSIE
PROCESSING, LLC, PRODUCER'S
COAL, INC., PRODUCER'S LAND, LLC,
REDBUD DOCK, LLC, SOUTHERN
MARINE SERVICES LIMITED
LIABILITY COMPANY, SOUTHERN
MARINE TERMINAL, LLC, and
SABBATICAL, INC.,

Chapter 11
JUDGE FRANK W. VOLK

Debtors.

NOTICE OF APPEAL

NOW COMES Denise Johnson and serves notice of her appeal from this Court's Order entered March 31, 2019, (Dkt. Entry 1500), denying her motion to treat the motion to compromise or approve settlement as an 11 U.S.C. § 363 sales motion and denying her an upset bid and granting attorney fees to Patrick S. Cassidy, Thomas M. Cunningham and Martin P. Sheehan.

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): DENISE JOHNSON
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:
For appeals in an adversary proceeding.
☐ Plaintiff
☐ Defendant
For appeals in a bankruptcy case and not in an adversary proceeding.
☐ Debtor
☐ Creditor

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Memorandum Opinion and Order which approved the Trustee's proposed settlement Docket Entry 1500

2. State the date on which the judgment, order, or decree was entered: March 31, 2019

Part 3: Identify the other parties to the appeal

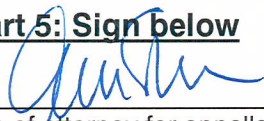
List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

- | | | | |
|-----------|------------------------|-----------|--|
| 1. Party: | Denise Johnson | Attorney: | Andrew S. Nason, Esq.
Pepper & Nason
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andyn@peppernason.com |
| 2. Party: | Peoples Bank | Attorney: | Kirk B Burkley, Esq.
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| 3. Party: | Dennis Johnson | Attorney: | Spencer D. Elliott, Esq.
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| 4. Party: | Thomas H. Fluharty | Attorney: | Thomas H. Fluharty, Esq.
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| 5. Party: | JRCC Liquidating Trust | Attorney: | Matthew Pearsall Heiskell, Esq.
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6. Party: Peoples Bank Attorney: Arch W. Riley, Jr., Esq.
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7. Party: Southern Marine Terminal, LLC Attorney: Carol Smith, Esq.
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8. Party: Thomas Fluharty, Trustee Attorney: Joe M. Supple, Esq.
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9. Party: United States Trustee Attorney: Debra A. Wertman, Esq.
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DENISE JOHNSON
By Counsel

Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: April 5, 2019

Name, address, and telephone number of attorney (or
appellant(s) if not represented by an attorney):

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CERTIFICATE OF SERVICE

I, Andrew S. Nason, counsel for the Denise Johnson, do hereby certify that I have served a copy of the ***Notice of Appeal*** upon the following by depositing a true and exact copy thereof in the United States Mail, in a properly addressed and stamped envelope, on the 5th day of April, 2019.

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